

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAVAR LESTER BLUEFORD,

Plaintiff,

v.

SALINAS VALLEY STATE PRISON, et  
al.,

Defendants.

Case No. [19-cv-00915-PJH](#)

**ORDER OF DISMISSAL WITH LEAVE  
TO AMEND**

Plaintiff, a state prisoner, has filed a pro se civil rights complaint under 42 U.S.C. § 1983. He has been granted leave to proceed in forma pauperis.

**DISCUSSION**

**STANDARD OF REVIEW**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." "Specific facts are not necessary; the statement need only 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (citations omitted). Although in order to state a claim a complaint "does not need detailed

factual allegations, . . . a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. . . . Factual allegations must be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations omitted). A complaint must proffer "enough facts to state a claim to relief that is plausible on its face." *Id.* at 570. The United States Supreme Court has recently explained the "plausible on its face" standard of *Twombly*: "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged deprivation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

### LEGAL CLAIMS

Plaintiff presents many allegations regarding the conditions of his confinement.

Pursuant to Fed. R. Civ. P. 8(a)(2), a plaintiff must provide "a short and plain statement of the claim showing that the pleader is entitled to relief...." Rule 8 requires "sufficient allegations to put defendants fairly on notice of the claims against them." *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir.1991)). *Accord Richmond v. Nationwide Cassel L.P.*, 52 F.3d 640, 645 (7th Cir.1995) (amended complaint with vague and scanty allegations fails to satisfy the notice requirement of Rule 8.) "The propriety of dismissal for failure to comply with Rule 8 does not depend on whether the complaint is wholly without merit," *McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir.1996).

Moreover, "[M]ultiple claims against a single party are fine, but Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2." *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). "Unrelated claims against different

defendants belong in different suits,” not only to prevent the sort of “morass” that a multi-claim, multi-defendant suit can produce, “but also to ensure that prisoners pay the required filing fees – for the Prison Litigation Reform Act limits to 3 the number of frivolous suits or appeals that any prisoner may file without prepayment of required fees.” *Id.* (citing 28 U.S.C. § 1915(g)).

Plaintiff alleges that his due process rights were violated when he was punished after falsely being accused of exposing himself to a correctional officer. He states his windows were covered and defendants started putting things in his food. Plaintiff also alleges that he belongs on the sensitive needs yard but is placed with general population inmates. He argues that he has been denied kosher meals and officials have been preventing him from receiving packages. Plaintiff also states that he received inadequate treatment for a staph infection. Plaintiff identifies some of the defendants with respect to his claims but many of the allegations are not linked to any specific defendant.

Plaintiff’s complaint in this action illustrates the “unfair burdens” imposed by complaints, “prolix in evidentiary detail, yet without simplicity, conciseness and clarity” which “fail to perform the essential functions of a complaint.” *McHenry*, 84 F.3d at 1179-80. Plaintiff has presented many unrelated claims and only identified a few defendants. The complaint is dismissed with leave to amend. In an amended complaint, plaintiff should focus on a few related claims. He must describe how the individual defendants violated his constitutional rights. Plaintiff may file separate actions for his other claims and he will be provided two blank civil rights forms.

### CONCLUSION

1. The complaint is **DISMISSED** with leave to amend in accordance with the standards set forth above. The amended complaint must be filed no later than **May 15, 2019**, and must include the caption and civil case number used in this order and the words AMENDED COMPLAINT on the first page. Because an amended complaint completely replaces the original complaint, plaintiff must include in it all the claims he wishes to present. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). He may

1 not incorporate material from the original complaint by reference. The clerk shall **SEND**  
2 plaintiff two blank civil rights forms.

3 2. It is the plaintiff's responsibility to prosecute this case. Plaintiff must keep the  
4 court informed of any change of address by filing a separate paper with the clerk headed  
5 "Notice of Change of Address," and must comply with the court's orders in a timely  
6 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute  
7 pursuant to Federal Rule of Civil Procedure 41(b).

8 **IT IS SO ORDERED.**

9 Dated: April 16, 2019



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PHYLLIS J. HAMILTON  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 16, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Javar Lester Blueford ID: BB-2054  
CALIFORNIA STATE PRISON, CORCORAN (8800)  
P.O. BOX 8800  
CORCORAN, CA 93212-8309

Dated: April 16, 2019

Susan Y. Soong  
Clerk, United States District Court



By: \_\_\_\_\_  
Kelly Collins, Deputy Clerk to the  
Honorable PHYLLIS J. HAMILTON